

IN THE GRAND COURT OF THE CAYMAN ISLANDS

317  
CAUSE NO. OF 2007

BETWEEN:

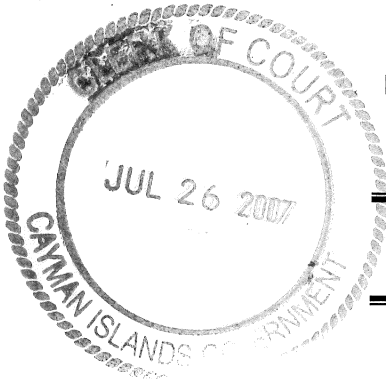
ALLEN CURTIS GREER

Plaintiff

-AND-

MR. SUCHAD CHIARANUSSATI

Defendant



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WRIT OF SUMMONS

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TO:

Suchad Chiaranussati  
c/o 390 Orchard Road  
#09-03/04 Palais Renaissance  
Singapore 238871



**THIS WRIT OF SUMMONS** has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 28 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court Office, P.O. Box 495G, George Town, Grand Cayman, the accompanying Acknowledgment of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued: 26 July 2007.

NOTE - This Writ may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the date of issue, unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

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**GENERAL ENDORSEMENT**

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1. The Plaintiff is a Director and Shareholder of SCG Capital Partners Ltd. (the "**Company**"), a Cayman Islands Exempted Company.
2. The Defendant is also a Director and Shareholder of the Company.
3. The Company is the General Partner of a Cayman Islands Limited Partnership, Real Estate Capital Asia Partners, L.P.
4. The Articles of Association of the Company prescribe that certain matters can only be addressed with the joint consent of both the "A" Director and "B" Director. Wrongfully and in breach of the Articles of Association of the Company, the Defendant, as "A" Director has, inter alia:-

- (1.) employed, in the name of the Company, a Ms. Vidula Verma to act as General Counsel to the Company in breach of Articles 74.3 and 74.6;
- (2.) engaged, in the name of the General Partner, additional staff unnecessarily and/or for the real benefit of a new separate venture in which the Defendant is engaged in breach of his duties to the Company;
- (3.) entered into financing or borrowing transactions with the Company and/or RECAP in breach of Article 74.6; and
- (4.) taken material actions with respect to RECAP, without the Plaintiff's joint consent in breach of Article 74.9.

5. The Plaintiff therefore claims the following Orders:-

- (1) That the Defendant until the conclusion of the trial of this action or further Order comply with the Articles of Association of the Company and in particular Article 74 of the above-mentioned Articles of Association concerning those matters which require the approval of each of the "A" Director and the "B" Director (as defined in the Articles of Association) of the Company;
- (2) Such further Order, Direction and/or other Relief as Counsel may advise and that this Honorable Court may deem just and appropriate; and
- (3) Costs.

Dated: 26 July 2007

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**STUARTS WALKER HERSANT**  
Attorneys at Law for the Plaintiff

This WRIT OF SUMMONS was filed by Stuarts, Attorneys-at-Law for the Plaintiff whose address for service is Cayman Financial Centre, 36A, Dr. Roy's Drive, P.O. Box 2510 GT, Grand Cayman, Cayman Islands. Ref: RTWA/2929

## **DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE OF WRIT OF SUMMONS**

1. The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of each Defendant or by each Defendant if acting in person.

After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings *must also serve a defence* on the Attorney for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words "Statement of Claim" appear on the top of page 2), the Defence must be served within 14 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If the Statement of Claim is not indorsed on the Writ, the Defence need not be served until 14 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

3. A *Stay of Execution* against the Defendant's goods may be applied for where the Defendant is unable to pay the money for which any judgment is entered. If A Defendant to an action for a debt or liquidated demand (i.e. a fixed sum) who does not intend to contest the proceedings states, in answer to Question 3 in the Acknowledgment of Service, that he intends to apply for a stay, execution will be stayed for 14 days after his Acknowledgment, but he must, within that time, *issue a Summons* for a stay of execution, supported by an affidavit of his means. The affidavit should state any offer which the Defendant desires to make for payment of the money by installments or otherwise.

***See over for notes for guidance  
Please complete overleaf***

### **Notes for Guidance**

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Courts Office.
2. For the purpose of calculating the period of 28 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (*the name stated on the Writ of Summons*)".
4. Where the Defendant is a **FIRM** and an attorney is not instructed, the form must be completed by a **PARTNER** by name, with the addition in paragraph 1 of the description "Partner in the firm of (.....)" after his name.
5. Where the Defendant is sued as an individual **TRADING IN A NAME OTHER THAN HIS OWN**, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.
6. Where the Defendant is a **LIMITED COMPANY** the form must be completed by an Attorney or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without an Attorney acting on its behalf.
7. Where the Defendant is a **MINOR** or a **MENTAL PATIENT**, the form must be completed by an Attorney acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Courts Office.



Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communication for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

Endorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.

Stuarts Walker Hersant  
Attorneys-at-Law for the Plaintiff  
Cayman Financial Centre  
36A Dr. Roy's Drive  
P.O. Box 2510 GT  
George Town  
Grand Cayman

**Attention: Anthony Akiwumi/Richard Annette**  
**Reference: 2929**

Endorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.

[Empty box for defendant's Attorney endorsement]